

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.24943 of 2017

The Commercial Credit Corporation (1943) Pvt. Ltd.
Rep. by its Accountant
M.P.Ramadurai aged 67 years
New No.8.(Old No.19),
Pattulas Road, Anna Salai,
Chennai-600 002. ... Petitioner

Vs.

- 1.V.P.Raghavendra Rao
- 2.The Inspector of Police,
D-2 Police Station, Anna Salai,
Chennai - 600 002.
- 3.The Commissioner of Police,
Vepery, Chennai-600 007. ... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the Second Respondent to register the FIR Dated:12.03.2016 Complaint against the First Respondent and investigate the matter and to file the report before this Court.

For Petitioner : Mr.M.Aravind Subramanian

For Respondents : Mr.K.S.Arumugam (for R1)

Mr.M.Mohamed Riyaz (for R2 & R3)
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the 2nd respondent to register a case based on the complaint given by the petitioner.

2.It is the specific case of the petitioner that a petition was filed before the concerned Magistrate Court in CrI.M.P.No.7032 of 2015 and an order was also passed in the year 2016 directing the Police to take action on the complaint and report before the Magistrate. Since no action was taken pursuant to the order, the present petition came to be filed before this Court in the year 2017.

3.The learned Additional Public Prosecutor on instructions submitted that pursuant to the orders passed by the learned Magistrate, an enquiry was conducted and report was also filed before the Magistrate on 14.03.2016. The said report was also taken on file by the learned Magistrate. According to the learned Additional Public Prosecutor, the averments made in the complaint makes out an offence under Section 138 of Negotiable Instruments Act and the Police cannot take any action in that regard.

4.Recording the submissions made by the learned Additional Public Prosecutor, this Criminal Original Petition is disposed of by giving liberty to the petitioner to workout their remedy in the manner known to law to recover the dues from the counter party.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vs

To

1.The Inspector of Police,
D-2 Police Station, Anna Salai,
Chennai - 600 002.

2.The Commissioner of Police,
Vepery, Chennai-600 007.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr. K.S.Arumugam, Advocate SR.No. 48354

+1cc to Mr. M.Aravind Subramanian, Advocate SR.No. 48371

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A.SK(01/07/2019)